



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6571

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

225 ILCS 57/47 new
225 ILCS 410/3C-7.5 new
740 ILCS 128/15
740 ILCS 128/40
740 ILCS 128/85 new

Amends the Predator Accountability Act, the Massage Licensing Act, and the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides legislative findings on the connection between sex trafficking and licensed massage therapists and nail technicians. Adds a provision prohibiting a person or entity from hiring or continuing to employ a licensed massage therapist or licensed nail technician if the person or entity has employed one or more individuals licensed as massage therapists or nail technicians who, during their period of employment by the person or entity, were victims of the sex trade or were convicted of specified crimes and where the employing person or entity recruits, profits from, or maintains the victim in any sex trade act, intentionally abuses, as defined in the Illinois Domestic Violence Act of 1986, or causes bodily harm, as defined in the Criminal Code of 2012, to the victim in any sex trade act, or knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity. Provides penalties for failure to comply with the provisions. Provides that provisions concerning prohibiting double recovery do not apply to actions in provisions concerning massage therapists and nail technicians. Makes conforming changes to the Massage Licensing Act and the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

LRB099 21504 SMS 47757 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Massage Licensing Act is amended by adding
5 Section 47 as follows:

6 (225 ILCS 57/47 new)

7 Sec. 47. Prohibition on employment. A licensed massage
8 therapist licensed under this Act is prohibited from being
9 hired or remaining employed by an individual or entity that
10 violates Section 85 of the Predator Accountability Act.

11 Section 10. The Barber, Cosmetology, Esthetics, Hair
12 Braiding, and Nail Technology Act of 1985 is amended by adding
13 Section 3C-7.5 as follows:

14 (225 ILCS 410/3C-7.5 new)

15 Sec. 3C-7.5. Prohibition on employment. A licensed nail
16 technician licensed under this Act is prohibited from being
17 hired or remaining employed by an individual or entity that
18 violates Section 85 of the Predator Accountability Act.

19 Section 15. The Predator Accountability Act is amended by
20 changing Sections 15 and 40 and by adding Section 85 as

1 follows:

2 (740 ILCS 128/15)

3 Sec. 15. Cause of action.

4 (a) Violations of this Act are actionable in civil court.

5 (b) A victim of the sex trade has a cause of action against
6 a person or entity who:

7 (1) recruits, profits from, or maintains the victim in
8 any sex trade act;

9 (2) intentionally abuses, as defined in Section 103 of
10 the Illinois Domestic Violence Act of 1986, or causes
11 bodily harm, as defined in Section 11-0.1 of the Criminal
12 Code of 2012, to the victim in any sex trade act; or

13 (3) knowingly advertises or publishes advertisements
14 for purposes of recruitment into sex trade activity.

15 (c) This Act ~~Section~~ shall not be construed to create
16 liability to any person or entity who provides goods or
17 services to the general public, who also provides those goods
18 or services to persons who would be liable under subsection (b)
19 of this Section, absent a showing that the person or entity
20 either:

21 (1) knowingly markets or provides its goods or services
22 primarily to persons or entities liable under subsection
23 (b) of this Section;

24 (2) knowingly receives a higher level of compensation
25 from persons or entities liable under subsection (b) of

1 this Section than it generally receives from customers; or
2 (3) supervises or exercises control over persons or
3 entities liable under subsection (b) of this Section.
4 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

5 (740 ILCS 128/40)

6 Sec. 40. Double recovery prohibited. Any person who
7 recovers damages under this Act may not recover the same costs
8 or damages under any other Act. A person who recovers damages
9 under any other Act may not recover for the same costs or
10 damages under this Act. This Section does not apply to actions
11 under Section 85.

12 (Source: P.A. 94-998, eff. 7-3-06.)

13 (740 ILCS 128/85 new)

14 Sec. 85. Nail technicians and massage therapists.

15 (a) The General Assembly finds that human trafficking is a
16 wide-spread problem that takes advantage of vulnerable
17 individuals for commercial sex under the veil of legitimate
18 businesses. Massage parlors and nail salons are often used as a
19 cover for the illegal activity, and victims of the sex trade
20 will also work for these businesses as licensed massage
21 therapists or nail technicians. It is the policy of this State
22 that businesses involved in sex trafficking shall not continue
23 the cycle by employing or hiring licensed massage therapists
24 and nail technicians.

1 (b) No person or entity shall hire or continue to employ an
2 individual licensed as a massage therapist under the Massage
3 Licensing Act or as a nail technician under the Barber,
4 Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act
5 of 1985 if:

6 (1) the person or entity has employed one or more
7 individuals licensed as massage therapists under the
8 Massage Licensing Act or as nail technicians under the
9 Barber, Cosmetology, Esthetics, Hair Braiding, and Nail
10 Technology Act of 1985 who, during their period of
11 employment by the person or entity, were victims of the sex
12 trade, or who were convicted of or pled guilty or nolo
13 contendere to a sex trade act, or conspiracy or attempt to
14 commit any sex trade act, or a similar crime under the laws
15 of another state; and

16 (2) where the employing person or entity:

17 (A) recruits, profits from, or maintains the
18 victim in any sex trade act;

19 (B) intentionally abuses, as defined in Section
20 103 of the Illinois Domestic Violence Act of 1986, or
21 causes bodily harm, as defined in Section 11-0.1 of the
22 Criminal Code of 2012, to the victim in any sex trade
23 act; or

24 (C) knowingly advertises or publishes
25 advertisements for purposes of recruitment into sex
26 trade activity.

1 (c) An entity that violates this Section shall be guilty of
2 a business offense with a fine of \$10,000 for a first violation
3 and a fine of \$25,000 for a second or subsequent violation. The
4 finances collected under this subsection shall be distributed to
5 the Specialized Services for Survivors of Human Trafficking
6 Fund in accordance with Section 5-9-1.21 of the Unified Code of
7 Corrections.

8 (d) In addition to any fine imposed under this Section, a
9 person or entity violating this Section shall be subject to a
10 civil penalty in the amount of the gross revenue received for
11 the services performed for the person or entity by the
12 individual or individuals whose employment is the basis for the
13 violations of this Section, which shall be paid to the
14 individual or individuals.